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*Attorneys for Interested Parties Tamenang Choh  
and Grace Kirk (and the Choh proposed class)*

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION**

IN RE COLLEGE ATHLETE NIL  
LITIGATION

Case No. 4:20-cv-03919-CW

**INTERESTED PARTIES'  
OPPOSITION TO PLAINTIFFS'  
UNOPPOSED ADMINISTRATIVE  
MOTION TO SHORTEN TIME  
PURSUANT TO CIVIL LOCAL  
RULE 6-3 FOR THE HEARING ON  
PLAINTIFFS' UNOPPOSED  
MOTION FOR PRELIMINARY  
APPROVAL OF CLASS ACTION  
SETTLEMENT**

Hon. Claudia Wilken

Pursuant to Civil Local Rule 6-3(b), Tamenang Choh and Grace Kirk (the “Interested Parties”), as interested parties and members of the proposed settlement class in this action, oppose the Plaintiffs’ Administrative Motion to Shorten Time for the Hearing of Plaintiffs’ Unopposed Motion for Preliminary Approval of Class Action Settlement. ECF No. 451. The preliminary approval hearing for this proposed settlement should take place on the normal timeline in accordance with the Court’s Local Rules to afford all parties affected by the Settlement an adequate opportunity to evaluate the proposed settlement, inform this Court of concerns and objections before preliminary approval, and allow Interested Parties sufficient time to prepare for and participate in the preliminary approval hearing on dates when their counsel is available.

Interested Parties are named plaintiffs in the class action lawsuit, *Choh v. Brown University*, No. 3:23-cv-00305-AWT (D. Conn.), which challenges under Section 1 of the Sherman Act an agreement among all members of the Ivy League (a Division I conference) not to award any athletic scholarships. *See* Complaint in *Choh* attached as Exhibit A.<sup>1</sup> Interested Parties and the class of Ivy League athletes they seek to represent are members of the proposed Damages Settlement Classes and Injunctive Relief Classes in this matter. As will be made clear in the Interested Parties’ forthcoming objection, the proposed settlement in its current form improperly (and likely inadvertently) proposes to release Interested Parties’ claims in *Choh* without redressing their principal claims and concerns—claims that are being separately litigated in *Choh*.

The Court should maintain September 5 as the hearing date, giving all the parties and the Court sufficient time to prepare. Addressing the *Choh* plaintiffs’ concerns at the preliminary approval stage will permit the Court and the parties to resolve problems with the Settlement before going through a costly and time-consuming notice campaign that would occur following preliminary approval but before fairness hearing. *See, e.g., In re Payment Card Interchange Fee*

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<sup>1</sup> *Choh* is not listed in Plaintiffs’ Notice of Motion and Motion for Preliminary Approval section discussing other cases affected by the settlement, which identifies only *Fontenot v. NCAA*, No. 1:23-cv-03076-CNS-TV (D. Colo.). *See* ECF No. 450 at 28.

1 *and Merchant Discount Antitrust Litig.*, 2024 WL 3236614 (E.D.N.Y. June 28, 2024) (permitting  
 2 objections prior to preliminary approval and considering objections in denying preliminary  
 3 approval); *CO Craft, LLC v. Grubhub Inc.*, 2023 WL 3763525 (D. Colo. June 1, 2023) (finding  
 4 it not “in the interest of judicial economy to simply disregard” the objections at the preliminary  
 5 approval stage and denying preliminary approval without prejudice).

6 In the alternative, should the Court advance the date of the scheduled hearing before  
 7 September 5, 2024, Counsel for the Interested Parties advises the court of its unavailability on the  
 8 following dates: August 15 and August 19, 2024. Counsel respectfully requests that the Court not  
 9 hold the hearing on either of those dates given the threat the Settlement poses to the rights of the  
 10 Interested Parties, which will be made clear in the forthcoming objection.

11  
 12 Dated: August 5, 2024

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13 /s/ Joshua P. Davis

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**CERTIFICATE OF SERVICE**

I hereby certify that on August 5, 2024, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all attorneys of record registered for electronic filing.

/s/ Joshua P. Davis  
Joshua P. Davis